



TRANSMITTAL FORM

Application Number	10/587,793
Filing Date	July 31, 2006
First Named Inventor	Uwe Kark
Title	Device and Method for Shaping a Foil Strip
Group Art Unit	
Examiner Name	
Attorney Docket Number	GMH/441/PC/US
Date	April 5, 2007

ENCLOSURES

- ☐ Response to Office Action ☐ Preliminary Amendment
- ☐ Information Disclosure Statement ☒ Postcard reflecting enclosures
- ☒ Other: English Translation of the International Preliminary Report on Patentability

☒ It is hereby petitioned that any required extension of time be granted for filing the amendment. An extension of _____ month(s) having a fee of \$ _____ appears required.

☐ A check in the amount of \$ _____ is attached. Please credit any overpayment to Deposit Account 16-2563 of Alix, Yale & Ristas, LLP.

The Commissioner is hereby requested and authorized to charge Deposit Account 16-2563 of Alix, Yale & Ristas, LLP for any fee, not enclosed herewith, due for any reason in connection with the amendment or this or any other document accompanying the amendment, including (a) any filing fees under 37 CFR 1.16 for the presentation of extra claims and (b) any patent application processing fees under 37 CFR 1.17. *A duplicate copy of this sheet is attached.*

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or
Individual name

Guy D. Yale

Reg. No.

29,125

Signature

Date

April 5, 2007

Attorney's Docket No.

GMH/441/PC/US

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited on the date below with the United States Postal Service as first class mail in an envelope addressed to "Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450."

Typed or Printed Name

Guy D. Yale

Reg. No.

29,125

Signature

Date:

April 5, 2007

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference KARG034PEP	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/004145	International filing date (day/month/year) 19.04.2004	Priority date (day/month/year) 30.01.2004
International Patent Classification (IPC) or national classification and IPC B29C43/46 B29C33/02 B29C43/22		
Applicant KARK AG		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input checked="" type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/004145

Box No. I

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-17 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-17 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/6-6/6 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/004145

Box No. II

Priority

1. ☒ This report has been established as if no priority had been claimed due to the failure to furnish within the prescribed time limit the requested:

☒ copy of the earlier application whose priority has been claimed (Rule 66.7(a)).
☐ translation of the earlier application whose priority has been claimed (Rule 66.7(b)).
2. ☐ This report has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rule 64.1). Thus for the purposes of this report, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/004145

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-17	YES
	Claims		NO
Inventive step (IS)	Claims	1-17	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-17	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

1. US-A-5 945 042 (document D1), which is considered to be the closest prior art, discloses (see Figure 3) a device for continuously forming a strip (52) which is formable at a high temperature on the surface of a drum (i.e. the outer cylinder of embossing roll 55) that is heated and cooled in particular regions (regions 57 and 58) (see column 12, lines 47 to 56). The strip 52 moves as the embossing roll 55 rotates (see column 3, lines 6 to 7), with forming taking place on the heated region of the embossing roll and cooling taking place on the cold region of the embossing roll (see column 13, lines 8 to 15).

D1 does not explicitly state whether regions 57 and 58 rotate with the roll or whether they are stationary. A person skilled in the art therefore has two options, namely a design in which the cooling and heating regions are stationary and one in which they are movable.

If the roll 55 were made of a single block with internal passages 56 (i.e. if the cooling and heating regions were movable), the following points would have to be considered:

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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- A complex, movable, large-surface sealing system would be required between the roll and the manifolds 57 and 58.
- D1 states (column 12, lines 51 to 56) that the heating medium for the upper region is oil and the coolant for the lower region is water. This means that two immiscible liquids are introduced into the passages 56 in alternation, and that after a certain period there will be an oil-water mixture.
- It would be difficult if not impossible to effect the required rapid cooling (column 9, lines 60 to 62; column 13, lines 13 to 15) of the sheets 52 and 60 immediately after lamination because the part of the roll at the end of the hot upper region (when seen looking in the direction of rotation) would not be able to cool to the low temperature of the lower region quickly enough on account of the high heat capacity.

However, even if the "stationary" version would unquestionably have advantages, such an interpretation cannot be regarded as free of doubts, unambiguous and inevitable. The subject matter of claim 1 can therefore be considered novel and inventive (PCT Article 33).

2. Claims 2 to 17 are dependent on claim 1 and therefore also meet the PCT requirements in respect of novelty and inventive step.